

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 05-165 (1) (RHK/AJB)

Plaintiff,

ORDER

v.

Edward Moore,

Defendant.

Defendant has moved for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2). In May, 2006, Defendant, a career offender, was sentenced to 151 months in prison. He now argues that the recent amendment to the Sentencing Guidelines gives this Court authority to modify his term of imprisonment. That amendment, however, would not lower his guidelines range because that range was determined based on his career offender status. The Eighth Circuit has recently determined that although the Sentencing Commission lowered the offense levels in U.S.S.G. § 3582(c)(2) related to crack cocaine quantities, it did not lower the sentencing range for a career offender under U.S.S.G. § 4B1.1 which is what set Defendant's sentencing range. Because he was not sentenced on a sentencing range that has since been lowered, he has not met the eligibility requirements for a reduction of sentence under Section 3582(c). See United States v. Tingle, ___ F.3d ___, 2008 WL 1902055 (8th Cir. May 1, 2008).

Accordingly, Defendant's Motion for Modification of Sentence (Doc. No. 61) is

DENIED.

Dated: May 5, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge